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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,870	10/26/2001	Holger Warth	Mo-6717/LeA 34,668	1030
157	7590	06/27/2006	EXAMINER	
BAYER MATERIAL SCIENCE LLC			BUTTNER, DAVID J	
100 BAYER ROAD			ART UNIT	
PITTSBURGH, PA 15205			PAPER NUMBER	
			1712	
DATE MAILED: 06/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/027,870	Applicant(s) WARTH ET AL.	
	Examiner David Buttner	Art Unit 1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claims 1,2,4,5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the J11349796 Patent in view of Nodera '443 or Obayashi '914.

The JP11349796 reference exemplifies blends of PC, SAN and silicon/acrylate graft. Oral translation indicates paragraph 19 calls for inorganic filler (termed "bulking agent" by the machine translation), but glass fibers are not named.

Nodera (col. 10, line 44,45,63) lists glass fiber etc in amounts of 2-30 pph as suitable filler in similar PC/grafted rubber compositions. Obayashi exemplifies the use of glass fiber in similar PC/ grafted rubber compositions. Obayashi teaches glass fibers are recognized for increasing rigidity of the resin (col 1 line 30). It would have been obvious to use glass fibers as the filler in the J'796 compositions in the conventional amounts for the expected reinforcing effect.

Note that viscosity average molecular weights are nearly equal to weight average molecular weights. Therefore, the reference's viscosity average molecular weight of 20,000 would fall within applicant's weight average molecular weight range.

Takahashi 2003/0112520 (paragraph 102) is cited for his more detailed description of the SAN 290FF that is believed used in J'796.

Claims 1,2,4,5 and 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over the JP08269314 Patent in view of Nodera '443 or Obayashi '914.

The JP08269314 reference exemplifies blends of PC, PMMA and Metablen S2001 (applicant's silicone graft). PMMA (polymethylmethacrylate) meets applicant's B) because methylmethacrylate is a derivative of an unsaturated acid (ie an ester of methacrylic acid). In the examples, the PC has an intrinsic viscosity of 0.5dl/g (or 0.05

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l/g). This corresponds to a viscosity average molecular weight of 22,000 according to the known correlation. Reinforcing materials such as fibers can be included (paragraph 56) although glass fibers and amounts thereof amounts are not specified.

Nodera (col. 10, line 44,45,63) lists glass fiber etc in amounts of 2-30 pph as suitable filler in similar PC/grafted rubber compositions. Obayashi exemplifies the use of glass fiber in similar PC/ grafted rubber compositions. Obayashi teaches glass fibers are recognized for increasing rigidity of the resin (col 1 line 30).

It would have been obvious to use glass fibers as the reinforcing fiber in the J '314 composition in the conventional amounts for the expected reinforcing effect.

Applicant's arguments filed 4/27/06 have been fully considered but they are not persuasive.

Arguments that J'796 does not distinguish between rubber-free and rubber copolymers are not relevant to the proposed rejection. This reference exemplifies compositions of applicant's A), B) and C). The only issue is whether or not glass fibers would be an obvious inclusion thereto.

Arguments that the J'796 "excellent fluidity" will be lost upon inclusion of glass fibers is not convincing.

There is nothing of record that would predict the resultant glass fiber reinforced composition of J'796 would be intractable or unprocessable. The inclusion of glass fibers would not have been expected to render the J'796 unsatisfactory for its intended purpose. It appears glass fibers perform their expected function of increasing reinforcement/stiffness at the expense of some decrease in fluidity. Nodera teaches the

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inorganic filler such as glass fibers increase rigidity (col 10 line 45). The fact that the J'796 composition (prior to inclusion of glass fiber) was touted as having excellent flowability actually makes the proposed inclusion more feasible/obvious. The easily processable composition would be expected to tolerate some decrease in flow rate in order to increase stiffness etc. J'796 does not forbid the inclusion of additives that increase the viscosity to some extent. Furthermore, applicant allows for small amounts of fiber (0.4 parts). Such small amounts would have a correspondingly small effect on viscosity and would be considered to have "excellent flowability".

Applicant argues Obayashi includes "extra" ingredients.

The two secondary references are merely relied on to teach types and amounts of common fillers for polycarbonates. Arguing that secondary references are not anticipatory is never convincing to withdraw an obviousness rejection based on a combination of references (MPEP 2145 IV.).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on weekdays from 10 to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID J. BUTTNER
PRIMARY EXAMINER

D. Buttner
6/21/06

